

Appendix A:

Definitions

Competitive Range. All proposals that the contracting officer determines to be the most highly rated based on the cost and non-cost evaluation factors stated in the solicitation.

Design Specification. A specification that establishes precise measurement, tolerances, materials, in process and finished product tests, quality control, inspection requirements, and other specific details of the deliverable.

Evaluation Factors and Subfactors. Descriptions of those aspects of a proposal that will be evaluated quantitatively or qualitatively to assess which proposal can best meet the Government's requirements as described in the solicitation.

Evaluation Standards. A baseline level of merit or acceptability used for measuring how well or whether an offeror's response meets the solicitation's requirements with respect to an evaluation factor or subfactor.

Functional Specification. A specification that describes the deliverable in terms of form, fit, and function and performance characteristics to satisfy the intended use.

Performance Specification. A specification that states requirements in terms of the required results and provides criteria for verifying compliance, without stating methods for achieving results. It defines the functional requirements, the operational environment, and the interface and interchangeability requirements.

Rating. The application of a scale of words used in conjunction with narrative, to denote the degree to which the proposal has met the standard for a non-cost factor.

Source Selection/Evaluation Plan. The document that explains how proposals are to be solicited and evaluated to make the selection decision. It is the Government's plan for how it intends to acquire its needs.

Source Selection Process. The process of soliciting and evaluating proposals for award in a competitively negotiated environment.

Specification. A description of the technical requirements for a material, product, or service to be provided under a contract that includes the criteria for determining whether the requirements are met.

Statement of Work (SOW). The complete description of work to be performed under the contract, encompassing all specifications and standards established or referenced in the contract.

Work Breakdown Structure. A basic framework, similar to a table of contents, which outlines, divides, and subdivides to successively lower levels, the government's

requirements as set forth in the SOW. Permits a logical arrangement of the elements of the SOW and a tracing of work effort and costs proposed by each offeror under each of the elements.

Appendix B:

References

The following is a list of some of the sources that can provide more detailed information, policy, guidance, and examples on various aspects of source selection.

Federal Acquisition Regulation (FAR) Part 15, *Contracting by Negotiation* --
<http://www.arnet.gov/far/loadmainre.html>

FAR Subpart 15.3, *Source Selection* -- <http://www.arnet.gov/far/loadmainre.html>

Department of Defense FAR Supplement (DFARS), Part 215 --
http://www.acq.osd.mil/dp/dars/dfars/html/r20011001/215_3.htm

Army FAR Supplement (AFARS), Part 15 -- <http://acqnet.saalt.army.mil/library/default.htm>

Army Source Selection Guide -- <http://acqnet.saalt.army.mil/library/default.htm>

DOD Acquisition Deskbook -- <http://www.deskbook.osd.mil>

Appendix C:

Evaluator's Workbook

Note: Before printing the workbook, do the following:

1. Enter RFP number where required.
2. Enter subfactor names on Standards For Technical Merit Subfactors Worksheet. (Add enough worksheets to handle all subfactors.)
3. Enter subfactor name on Technical Proposal Evaluation Worksheet. (Add enough worksheets to handle all subfactors.)

SOURCE SELECTION INFORMATION – FAR 3.104

EVALUATOR’S WORKBOOK

SOLICITATION NUMBER:_____

OFFEROR:_____

EVALUATOR’S NAME:_____

AREAS TO BE EVALUATED (Not all evaluators evaluate all areas. For example, past performance may be evaluated by a sub-group of evaluators.)	
AREA	CHECK APPLICABLE BLOCKS
TECHNICAL MERIT	
PAST PERFORMANCE	

SOURCE SELECTION INFORMATION – FAR 3.104

(AFTER THE EVALUATOR ENTERS INFORMATION IN THIS WORKBOOK, THE WORKBOOK MUST BE PROTECTED FROM DISCLOSURE TO UNAUTHORIZED PERSONS.)

TABLE OF CONTENTS

DOCUMENT	NUMBER OF COPIES
Standards For Technical Merit Subfactors Worksheet	1 copy for each Technical Merit subfactor (worksheet for subcontracting plan already included in workbook)
Technical Proposal Evaluation Worksheet	1 copy for each Technical Merit subfactor
Technical Proposal Evaluation Worksheet (Continuation)	As needed
Typical Questions And Ideas For Telephone Interviews And Questionnaires	1 copy
Telephone Interview Record	1 copy for each interview
Past Performance Evaluation Worksheet	1 copy for each reference
Past Performance Evaluation Worksheet (Continuation)	As needed
Overall Evaluation Worksheet	1 copy

Standards For Technical Merit Subfactors Worksheet	
RFP No.	
Factor: Technical Merit	Subfactor:
Rating: Outstanding	Definition: Excellent in all respects; offers one or more significant advantages not offset by disadvantages; very good probability of success with overall low degree of risk in meeting the Government's requirements.
Standard:	
Rating: Above Average	Definition: High quality in most respects; offers one or more advantages not offset by disadvantages; good probability of success with overall low to moderate degree of risk in meeting the Government's requirements.
Standard:	
Rating: Satisfactory	Definition: Adequate quality; any advantages are offset by disadvantages; fair probability of success with overall moderate to high degree of risk in meeting the Government's requirements.
Standard:	
Rating: Marginal	Definition: Overall quality cannot be determined because of errors, omissions or deficiencies that are capable of being corrected without a major rewrite or revision of the proposal.
Standard:	
Rating: Unsatisfactory	Definition: A proposal that contains major errors, omissions or deficiencies, or an unacceptably high degree of risk in meeting the Government's requirements; and these conditions cannot be corrected without a major rewrite or revision of the proposal.
Standard:	

Standards For Technical Merit Subfactors Worksheet	
RFP No.	
Factor: Technical Merit	Subfactor: Subcontracting Plan
Rating: Outstanding	Definition: Excellent in all respects; offers one or more significant advantages not offset by disadvantages; very good probability of success with overall low degree of risk in meeting the Government's requirements.
Standard: Earns 90 to 100 points when evaluated in accordance with AFARS Appendix DD, Subcontracting Plan Evaluation Guide.	
Rating: Above Average	Definition: High quality in most respects; offers one or more advantages not offset by disadvantages; good probability of success with overall low to moderate degree of risk in meeting the Government's requirements.
Standard: Earns 80 to 89 points when evaluated in accordance with AFARS Appendix DD, Subcontracting Plan Evaluation Guide.	
Rating: Satisfactory	Definition: Adequate quality; any advantages are offset by disadvantages; fair probability of success with overall moderate to high degree of risk in meeting the Government's requirements.
Standard: Earns 71 to 79 points when evaluated in accordance with AFARS Appendix DD, Subcontracting Plan Evaluation Guide.	
Rating: Marginal	Definition: Overall quality cannot be determined because of errors, omissions or deficiencies that are capable of being corrected without a major rewrite or revision of the proposal.
Standard: Earns 60 to 70 points when evaluated in accordance with AFARS Appendix DD, Subcontracting Plan Evaluation Guide.	
Rating: Unsatisfactory	Definition: A proposal that contains major errors, omissions or deficiencies, or an unacceptably high degree of risk in meeting the Government's requirements; and these conditions cannot be corrected without a major rewrite or revision of the proposal.
Standard: Earns 59 or fewer points when evaluated in accordance with AFARS Appendix DD, Subcontracting Plan Evaluation Guide.	

TECHNICAL PROPOSAL EVALUATION WORKSHEET		
RFP No:		
EVALUATOR'S NAME:		OFFEROR:
RFP REFERENCES:////////////////////////////////////		PROPOSAL REFERENCES:////////
SUBFACTOR:		VOLUME/PARAGRAPH:
		PAGE NUMBER:
Technical Merit Ratings: Refer to rating definitions in the solicitation, e.g., Outstanding (O), Above Average (AA), Satisfactory (S), Marginal (M), Unsatisfactory (U), Acceptable (A), Unacceptable (UA)		
Initial Rating:	Evaluator Initials/ Date:	Team Leader Initials/Date:
Rating After Discussions:	Evaluator Initials/ Date:	Team Leader Initials/Date:
Rating After Final Revision:	Evaluator Initials/ Date:	Team Leader Initials/Date:
RATIONALE: Include supporting rationale for the ratings. Using the evaluation standards and rating definitions, state the evaluation results in terms of strengths; weaknesses/significant weaknesses/deficiencies; and risks. Include questions that address ambiguities or other concerns (e.g., perceived deficiencies, weaknesses, omissions, mistakes). Identify all comments and questions below with the rating: (e.g., Initial Rating (IR), Result of Discussions (RD) or Final Rating (FR)). <u>Use continuation sheets or a database as needed and a separate sheet for each subfactor.</u>		
STRENGTHS: 		
WEAKNESSES/SIGNIFICANT WEAKNESSES/DEFICIENCIES: (Precede comment with an [S] if it identifies a <u>s</u> ignificant weakness or a [D] if a <u>d</u> eficiency.) 		
RISKS: 		
QUESTIONS: 		

TECHNICAL PROPOSAL EVALUATION WORKSHEET (CONTINUATION)	
RFP No:	
EVALUATOR'S NAME:	OFFEROR:
RFP REFERENCES: //////////////////////////////////////	PROPOSAL REFERENCES:////////
SUBFACTOR:	VOLUME/PARAGRAPH:
	PAGE NUMBER:
CHECK ONE: ___ INITIAL RATING ___ AFTER DISCUSSIONS ___ FINAL RATING	
<p>(PRECEDE EACH ENTRY WITH APPROPRIATE HEADING, I.E., STRENGTHS, WEAKNESSES, SIGNIFICANT WEAKNESSES, DEFICIENCIES, RISKS, OR QUESTIONS.)</p> <p>(NOTE: THIS SHEET MAY BE USED TO RECORD REASONS FOR CONCURRING WITH CONSENSUS RATING IF CONSENSUS IS SIGNIFICANTLY DIFFERENT FROM INDIVIDUAL RATER'S RATING.)</p>	

Typical Questions and Ideas for Telephone Interviews and Questionnaires	
<ul style="list-style-type: none"> • Confirm the following data from the offeror's proposal: 	
	<ul style="list-style-type: none"> - Contract number - Contractor's name and address - Type of contract - Complexity of work - Description and location of work (e.g., types of tasks, product, service) - Contract dollar value - Date of award - Contract completion date (including extensions) - Type and Extent of Subcontracting
<ul style="list-style-type: none"> • Verify any past performance data to which you may have access (e.g., Performance Evaluation (Construction) data in the Construction Contractor Appraisal Support System (CCASS) database). 	
<ul style="list-style-type: none"> • If the award amount or delivery schedule changed, find out why. 	
<ul style="list-style-type: none"> • Ask what role the reference played (e.g., COR, contract specialist, ACO, etc.) and for how long. 	
<ul style="list-style-type: none"> • If a problem surfaced, ask what the government and contractor did to fix it. 	
<ul style="list-style-type: none"> • Ask for a description of the types of personnel (skill and expertise) the contractor used and the overall quality of the contractor's team. Did the company appear to use personnel with the appropriate skills and expertise? 	
<ul style="list-style-type: none"> • Ask how the contractor performed considering technical performance or quality of the product or service; schedule; cost control (if applicable); business relations; and management. 	
<ul style="list-style-type: none"> • Ask whether the contractor was cooperative in resolving issues. 	
<ul style="list-style-type: none"> • Inquire whether there were any particularly significant risks involved in performance of the effort. 	
<ul style="list-style-type: none"> • Ask if the company appeared to apply sufficient resources (personnel and facilities) to the effort. 	
<ul style="list-style-type: none"> • If the company used subcontractors, ask: What was the relationship between the prime and subcontractors? What was the management role of the prime and how well did it manage the subcontractors? Did the subcontractors perform the bulk of the effort or just add breadth or depth on particular technical areas? If the subcontractors worked on specific technical areas, what were those areas and why were they accomplished by the subcontractors rather than the prime? 	
<ul style="list-style-type: none"> • Ask whether the contract included socio-economic subcontracting requirements. If it did, ask about compliance with those requirements. 	
<ul style="list-style-type: none"> • If a problem is uncovered that the reference is unfamiliar with, ask for another individual who might have the information. 	
<ul style="list-style-type: none"> • Ask if this firm has performed other past efforts with the reference's agency. 	
<ul style="list-style-type: none"> • Ask about the company's weak points or what the reference liked least. 	
<ul style="list-style-type: none"> • Inquire whether the reference has any reservations about recommending a future contract award to this company. 	
<ul style="list-style-type: none"> • Inquire whether the reference knows of anyone else who might have past performance information on the offeror. 	

Telephone Interview Record

Note: When interviewing, you may want to use an introduction similar to the following: This is (name). I'm calling in reference to contractor (name). I'd like to ask you some questions that pertain to that contractor's record of past and current performance. The information you provide will be used in the awarding of federal contracts. Therefore it is important that your information be as factual and accurate as possible. Your name will not be used in any discussions with the contractor.

Solicitation Number: **(for reference - do not disclose to person contacted)**

Contractor: (Name and Address)

Person Contacted: (Name, Address, Phone #, e-mail address)

Date & Time of Contact:

Summary of Discussion:

(NOTE TO EVALUATOR: BEFORE CONCLUDING THE INTERVIEW, READ YOUR SUMMARY TO THE PERSON AND OBTAIN AGREEMENT THAT SUMMARY FAIRLY REPRESENTS THE CONVERSATION.)

Evaluator's Name/Signature

PAST PERFORMANCE EVALUATION WORKSHEET		
RFP No:		
EVALUATOR'S NAMES:		OFFEROR:
		REFERENCE:
Ratings: Refer to rating definitions in the solicitation, i.e., Outstanding (O), Above Average (AA), Satisfactory (S), Marginal (M), Unsatisfactory (U), Unknown (Unk)		
Relevancy Weight: In order to be considered, past performance must be relevant to our project. Using the following scale, assess relevancy: Highly Relevant (HR), Moderately Relevant (MR), Slightly Relevant (SR)		
Initial Rating: Risk _____ Relevance _____	Evaluator Initials/ Date:	Team Leader Initials/Date:
Final Rating After Clarifications: Risk _____ Relevance _____	Evaluator Initials/ Date:	Team Leader Initials/Date:
RATIONALE: Include supporting rationale for the ratings. Using the evaluation standards and rating definitions, state the evaluation results in terms of strengths; weaknesses/significant weaknesses/deficiencies; and risks. Include questions that address ambiguities or other concerns (e.g., perceived deficiencies, weaknesses, omissions, mistakes). Identify all comments and questions below with the rating: (e.g., Initial Rating (IR), Result of Discussions (RD) or Final Rating (FR). IF THE EVALUATION UNCOVERS ADVERSE INFORMATION TO WHICH THE OFFEROR HAS NOT HAD AN OPPORTUNITY TO RESPOND, THE OFFEROR MUST BE GIVEN AN OPPORTUNITY TO RESPOND. IF THE ADVERSE INFORMATION PERTAINS TO A SUBCONTRACTOR, OBTAIN SUBCONTRACTOR'S AGREEMENT BEFORE RELEASING THE INFORMATION TO THE OFFEROR. DO NOT IDENTIFY SOURCES OF INFORMATION. ADVERSE INFORMATION IS INFORMATION THAT WOULD CAUSE THE OFFEROR TO RECEIVE A RISK RATING OF M, H, OR VH. Use continuation sheets or a database as needed.		
STRENGTHS: 		
WEAKNESSES/SIGNIFICANT WEAKNESSES/DEFICIENCIES: (Precede comment with an [S] if it identifies a <u>s</u> ignificant weakness or a [D] if a <u>d</u> eficiency.) 		
RISKS: 		
QUESTIONS: 		

[illegible]

OVERALL EVALUATION WORKSHEET (Page 1 of 2)		
RFP No:		
EVALUATOR'S NAME:		OFFEROR:
<p>RATIONALE: Use this worksheet to record the overall evaluation for each of the rated areas (e.g., Past Performance and Technical Merit). The worksheets for Technical Merit subfactors and Past Performance form the basis for the overall evaluations included on this worksheet. Include supporting rationale for the ratings. Using the evaluation standards and rating definitions, state the evaluation results in terms of strengths; weaknesses/significant weaknesses/deficiencies; and risks. Include questions that address ambiguities or other concerns (e.g., perceived deficiencies, weaknesses, omissions, mistakes). Identify all comments and questions below with the stage at which the rating was performed: (i.e., Initial Rating (IR), Result of Discussions (RD) or Final Rating (FR). <u>Use continuation sheets as needed.</u></p>		
PAST PERFORMANCE		
<p>Past Performance Ratings: Refer to rating definitions in the solicitation, i.e., Outstanding (O), Above Average (AA), Satisfactory (S), Marginal (M), Unsatisfactory (U), or Unknown (Unk)</p>		
Initial Rating:	Evaluator Initials/ Date:	Team Leader Initials/Date:
Final Rating After Clarifications:	Evaluator Initials/ Date:	Team Leader Initials/Date:
<p>STRENGTHS:</p>		
<p>WEAKNESSES/SIGNIFICANT WEAKNESSES/DEFICIENCIES: (Precede comment with an [S] if it identifies a significant weakness or a [D] if a deficiency.)</p>		
<p>RISKS:</p>		
<p>QUESTIONS:</p>		

OVERALL EVALUATION WORKSHEET (Page 2 of 2)		
TECHNICAL MERIT		
Technical Merit Ratings: Refer to rating definitions in the solicitation, e.g., Outstanding (O), Above Average (AA), Satisfactory (S), Marginal (M), Unsatisfactory (U), Acceptable (A), Unacceptable (UA)		
Initial Rating:	Evaluator Initials/ Date:	Team Leader Initials/Date:
After Discussions:	Evaluator Initials/ Date:	Team Leader Initials/Date:
Final Rating:	Evaluator Initials/ Date:	Team Leader Initials/Date:
STRENGTHS:		
WEAKNESSES/SIGNIFICANT WEAKNESSES/DEFICIENCIES: (Precede comment with an [S] if it identifies a <u>s</u> ignificant weakness or a [D] if a <u>d</u> eficiency.)		
RISKS:		
QUESTIONS:		

Appendix D

Guidelines for Evaluating Past Performance in Source Selection

Overview

This appendix is designed to help you participate in the evaluation of past performance when using the tradeoff process in source selection. It should always be used in conjunction with the basic best value guide.

Introduction

An offeror's performance record is an important consideration in government source selections. In our private lives, we make source selections every day. This can be as mundane as selecting the brand of toothpaste we use or one that represents a much greater portion of our earnings such as a new car. If we can consider how a product worked (or didn't work) for us in the past, get advice from our friends, read *Consumer Reports*, and check the contractor out with the Better Business Bureau, wouldn't it make sense to give the same credence to past performance when spending taxpayer dollars?

Using the contractor's past performance as a significant evaluation factor that will be traded off with cost/price and other non-cost factors will benefit us in at least two ways.

First, it is virtually impossible for an offeror to convey, in the proposal, how it will actually perform the requirement and what the actual costs will be (not just the instant contract costs, but the total life cycle costs associated with obtaining the system, supply, or service). A better tool for predicting how an offeror will perform in the future is to examine its past track record on contracts for similar requirements of the same scope and complexity.

Second, it permits us to recognize the good performer. In the commercial market, poor performers are weeded out as consumers select vendors that live up to the consumer's expectations. Those contractors that provide what is perceived as the best value in supplies or services are the ones that survive. A contractor that delivers what the contract requires without extensive follow-up effort on our part is clearly delivering better value than a contractor that charges the same price, yet needs constant surveillance by our personnel to ensure performance. It also shifts the emphasis from writing the best proposal to performing the best work -- performing as promised.

Role of Past Performance in Source Selection

Proposal Risk vs. Performance Risk

It is important to differentiate between two types of risk usually evaluated in a source selection.

Proposal risks are those associated with an offeror's proposed approach in meeting the requirements of the solicitation. Proposal risk summarizes the risk derived from the technical evaluation. It is an overall assessment driven by each of the subfactors within the technical factor.

Performance risks are those associated with an offeror's likelihood of success in performing the solicitation's requirements as indicated by that offeror's record of current or past performance. Performance risk is assessed separately and assigned a narrative rating. Both proposal and performance risks are, in accordance with the basic guide, integrated with the other evaluation results when presented to the source selection authority for a final decision.

**Performance risks reflect an offeror's
likelihood of success based on
their current or past work record**

Past Performance vs. Responsibility Determinations

It is also important to distinguish comparative past performance evaluations used in the tradeoff process from pass/fail responsibility determinations.

Pre-award surveys and pass/fail evaluations in the low price technically acceptable process help you determine whether an offeror is responsible. Responsibility is a broad concept that addresses whether an offeror has the **capability** to perform a particular contract based upon an analysis of many areas including financial resources, operational controls, technical skills, quality assurance, and past performance. These surveys and evaluations provide a "yes/no," "pass/fail," or "go/no-go" answer to the question, "**Can** the offeror do the work?" to help you determine whether the offeror is responsible.

Unlike a pass/fail responsibility determination, a comparative past performance evaluation conducted using the tradeoff process is a very specific endeavor that seeks to identify the **degree of risk** associated with each competing offeror. Rather than asking whether an offeror **can** do the work, you should ask, **will** it do that work successfully? In short, the evaluation describes the degree of confidence the government has in the offeror's likelihood of success. If properly conducted, the comparative past performance evaluation and the responsibility determination will complement each other and provide you with a more complete picture of an offeror than either one could by itself.

Past Performance vs. Experience

Another important issue is the difference between contractors' experience and their past performance. Experience reflects **whether** contractors have performed similar work before. Past performance, on the other hand, describes **how well** contractors performed the work. In other words, how well did they execute what was promised in the proposal/contract. Both of these areas are considered when making a responsibility determination. Either past performance or experience can be considered as source selection factors or subfactors, where they can either stand alone or be considered under performance risk.

If experience and past performance are separate evaluation factors or subfactors, make certain that you clearly define the terms in the solicitation. This will help you avoid the potential for double counting by asking for the same information. Do not confuse evaluation of past experience with evaluation of past performance. It is proper, however, to distinguish company experience from personnel experience and evaluate both.

When to Evaluate Past Performance

Past performance shall be included as an evaluation factor in competitively negotiated acquisitions unless the contracting officer determines that it is inappropriate and documents the rationale.

Planning the Past Performance Evaluation

Forming an Evaluation Group

(Note: When reading following guidance, remember this -- For Jacksonville District acquisitions, past performance evaluations will be performed by 2 members of the source selection evaluation team (e.g., one contract specialist and one technical person). For consistency, it is mandatory that the same persons evaluate all offerors.)

In complex acquisitions it may be necessary to form a formal group to specifically evaluate past performance. In smaller dollar value acquisitions that do not involve complex requirements, the evaluation may be accomplished with only one or two people to determine that same risk. This evaluation group may operate separately from the proposal evaluation team or may operate as a separate subgroup of that team. Note, however, that the past performance evaluation should be conducted independently of any other evaluation.

Whether you choose to use an informal or formal evaluation group, the members should be experienced and trained. We will focus on the structure, composition and evaluation process of a formal evaluation group, but bear in mind that while the functions of informal evaluations are basically the same, they should be a lot less time consuming and less involved.

Objectives of the Evaluation Group

The evaluation group is responsible for conducting the past performance evaluation to determine the degree of risk involved in accepting an offeror's promises of performance. This analysis results in a performance risk assessment. The evaluation group documents these performance risk assessments and identifies strengths and weakness in each offeror's past performance.

The group often uses the offeror's proposal as the starting point -- with the proposal acting primarily as a source of reference. Group members then use independent sources of information outside of the offerors' proposals to determine how well those offerors performed in the past.

Evaluation Group Membership and Training

The membership and structure of your evaluation group should be tailored to each acquisition. Ideally, the membership should be multifunctional and include people who have contracting,

cost/price, contract administration, supportability/logistics, and technical/program management expertise, as appropriate. Those whom you select should also have prior source selection experience and be capable of making sound and impartial judgments. The group's structure should enhance its ability to independently evaluate performance risk.

As a best practice, it is important that contracting organizations set up their own training program for conducting source selections. Individual programs should include tools and techniques for obtaining and evaluating contractor performance data.

The heart of the performance risk assessment is the information gathering process. Through questionnaires, telephone interviews, and site visits, and by tapping existing data sources, the group can obtain a detailed and useful picture of an offeror's past performance. Because of the importance of the information gathering process, it is absolutely critical that group members have the ability to conduct meaningful telephone interviews. They should also be able to assimilate data, exercise sound judgment, arrive at conclusions that make common sense, and communicate those conclusions effectively both orally and in writing.

The size of the group should reflect the number of offerors expected to respond to the solicitation as well as the nature and complexity of the solicitation requirements. The best practice is to limit the size of the group to as small a number as is realistic for the specific circumstances of the acquisition. A group of at least two members of different functional disciplines enhances opportunities for dialogue, brainstorming, and in-depth fact finding.

A plan for evaluating past performance should be developed early in the process and made a part of the source selection plan.

What Subfactors Should Be Used?

The past performance subfactors, if any, should be tailored to the specific circumstances of the acquisition, but need not mirror those of the proposal evaluation. In most cases the evaluation group should at least consider the offeror's record for on time delivery, good technical quality, and cost control to determine its likelihood of success in performing the solicitation's requirements.

Some suggested subfactors include:

- The offeror's record of conformance to contract specifications and standards of good workmanship. This may include consideration of quality awards or certifications;
- The offeror's effectiveness in containing and forecasting costs on any previously performed cost reimbursable contracts;
- The offeror's adherence to contract schedules, including the administrative aspects of performance;

- The offeror's history for reasonable and cooperative behavior, commitment to customer satisfaction, timely award and management of subcontracts, and whether the offeror met any applicable goals for subcontracting with small entities.

Data Relevancy

Relevancy should not be described as a subfactor. Relevancy is a threshold question when considering past performance, not a separate element of past performance. Irrelevant past performance should not form the basis of a performance risk assessment.

Although the group may consider data available from any sources, its main sources of information are often the references cited by offerors in their proposals. Upon receipt of proposals, you will determine which of the offeror's past contract efforts relate to the solicitation requirements. The evaluation group should screen the information provided for each of the referenced contracts to make an initial determination of its relevance to the current requirement. However, the source selection authority is responsible for the final determination of relevancy.

Relevancy is defined as something that has a logical connection with the matter under consideration. Such aspects of relevance include the type of effort (e.g., development, production, repair), and the type of requirement (e.g., weapon systems, information systems, engineering services, programmed depot maintenance). The objective of the screening is to remove from consideration those contract references that are clearly unrelated to the type of effort sought. Note that valuable information can be obtained from seemingly unrelated prior contracts regarding considerations such as technical capability, management responsiveness, proactive process improvements, and ability to handle complex technical or management requirements. Other members of the source selection team may be consulted as necessary for assistance in determining relevancy.

Tailor data relevancy and recency to the specifics of each acquisition

In some cases, previous contracts as a whole may be similar to the current contract while in others only portions of previous contracts may be relevant. For example, we use Ada software language in many different government systems. If a solicitation calls for the development of Ada software for an aircraft system, the contractor might identify a previous effort where it developed Ada software for a satellite terminal. We may consider that previous effort to be relevant for purposes of assessing the contractor's ability to develop Ada software even though the underlying system is different from the current requirement. Another example is the evaluation of the contractor's management, planning, and scheduling of subcontractors on a past service contract for a current production requirement calling for integration skills.

Note that, in the case of mergers or joint ventures, only that part of the newly formed corporation identified with the relevant experience should be evaluated.

The evaluation group should consider the most recent data available. The best practice is to select similar efforts that are either still in progress or just completed, and that have at least one

year of performance history. While the actual cut-off time should be determined by the contracting officer on a case-by-case basis, the currency of the information requested should be determined by the commodity and the specific circumstances of the acquisition.

How Much Weight to Give Past Performance

Past performance should be given sufficient evaluation weight to ensure that it is meaningfully considered throughout the source selection process and will be a valid discriminator among the proposals received.

Weight past performance sufficiently to ensure it is a valid discriminator

What are the Rating Categories?

In planning the acquisition, the evaluation group develops a rating scheme for evaluating past performance. The group may use the following definitions of performance risk to describe the results of its assessment:

- Outstanding. Very Low Performance Risk. Based on the offeror's performance record, essentially no doubt exists that the offeror will successfully perform the required effort.
- Above Average. Low Performance Risk. Based on the offeror's performance record, little doubt exists that the offeror will successfully perform the required effort.
- Satisfactory. Moderate Performance Risk. Based on the offeror's performance record, some doubt exists that the offeror will successfully perform the required effort.
- Marginal. High Performance Risk. Based on the offeror's performance record, substantial doubt exists that the offeror will successfully perform the required effort.
- Unsatisfactory. Very High Performance Risk. Based on the offeror's performance record, extreme doubt exists that the offeror will successfully perform the required effort.
- Unknown Performance Risk. No performance record identifiable. See "How to Evaluate No Past Performance."

How to Evaluate No Past Performance

In most cases the evaluation group will find some related government or other public or private past performance information for each contractor and subcontractor. Such information will usually surface if the evaluation approach allows a broad interpretation of relevancy or takes into account information regarding the past performance of predecessor companies, key personnel

who have relevant experience, or subcontractors that will perform key aspects of the requirement.

Occasionally, however, an evaluation group cannot find any relevant information. In those cases, you must treat an offeror's lack of past performance as an unknown performance risk, having no positive or negative evaluative significance. This allows the government to evaluate past performance in a manner that is fair to newcomers. It neither rewards nor penalizes firms without relevant performance history. The method and criteria for evaluating offerors with no relevant past performance information should be constructed for each specific acquisition to ensure that such offerors are not evaluated favorably or unfavorably on past performance.

You may use a variety of rating methods to evaluate offerors with no past performance history. Regardless of the method selected, the solicitation must clearly describe the approach that will be used for evaluating offerors with no relevant performance history.

Encourage newcomers to identify other related past performance information

You can also ease the impact on newcomers by including language in the solicitation that encourages them to identify related past performance information for Federal, state and local government contracts, commercial contracts, key personnel, and major subcontractors.

What to Include in the Solicitation

The solicitation, at a minimum, must clearly describe the approach you will use to evaluate past performance. The approach must include what past performance information you will evaluate, how it will be evaluated, its weight or relative importance to the other evaluation factors and subfactors, and how you will evaluate offerors with no past performance history. The amount of information you request should be tailored to the circumstances of the acquisition. The amount should be reasonable and not impose excessive burdens on offerors or evaluators. The proposal evaluation information, as a minimum, should clearly state that:

- The government will conduct a performance risk assessment based upon the past performance of the offerors and their proposed major subcontractors as it relates to the probability of successfully performing the solicitation requirements;
- In conducting the performance risk assessment, the government may use data provided by the offeror and data obtained from other sources; and
- While the government may elect to consider data obtained from other sources, the burden of providing thorough and complete past performance information rests with the offeror.

The proposal submission instructions must, as a minimum, instruct offerors to submit recent and relevant information concerning contracts and subcontracts (including Federal, State, and local government and private) that demonstrate their ability to perform the proposed effort.

Rather than having the offeror submit a lengthy narrative response, the information requested should be limited to a half-page summary of the offeror's performance claim for each contract or subcontract. The summary should include contract numbers, contract type, description and relevancy of the work, dollar value, contract award and completion dates, and names, phone numbers, and e-mail addresses for references in contracting and technical areas.

In addition, offerors should be given the opportunity to explain why they consider the contracts they have referenced as being relevant to the proposed acquisition. Relevancy is defined as something that has a logical connection with the matter under consideration. (See section entitled, Data Relevancy.) The instructions should also permit offerors to provide information on problems encountered on such contracts and the actions taken to correct such problems. Also, it is important that the offeror specifically describe the work that its major subcontractors will perform so that the evaluation group can conduct a meaningful performance risk assessment on each major subcontractor.

A best practice is to use presolicitation exchanges of information with industry, (e.g., draft solicitations, presolicitation/preproposal conferences) to explain the approach you will use to evaluate performance risk. This helps to ensure that potential offerors have a clear understanding of how their past performance will be evaluated.

The Past Performance Evaluation Process

How to Begin

The evaluation group leader should hold a meeting of group members as soon as possible prior to the receipt of proposals to outline the evaluation process, obtain signed nondisclosure statements, and distribute the evaluation plan and Request for Proposal (RFP). The requiring activity should brief the evaluation group on the technical requirements of the acquisition. A best practice is to limit the past performance evaluation to a few (normally three or four) most recent and relevant contracts.

Limit the evaluation to a few most recent and relevant contracts

The group leader may assign each group member an offeror(s) for whom they will screen the available data to select the most recent and relevant references for in-depth fact finding. However, some contracting activities prefer to assign the work by functional area rather than by offeror. In either event, the group members will meet after gathering past performance information, to determine the performance risk ratings.

What Sources of Data are Available?

The evaluation group may consider data available from many sources, including data from various automated databases, but its main sources of information are often the references cited by offerors in their proposals. Upon receipt of proposals and any information on past contracts from government or commercial sources, the evaluation group will assess which of the offeror's

past contract efforts relate to the solicitation requirements. These assessments of relevancy are judgment calls.

Can the Evaluation Group Use Commercial References?

The best practice is to rely on government sources of information. However, it is permissible to use other public and private references such as Dun and Bradstreet, information received from commercial and foreign government sources, awards of excellence or vendor quality certifications that reflect on companies performing the work, when appropriate. These references should be relevant to the effort set out in the solicitation.

Verifying Past Performance Data

The evaluation group should verify information received from all sources, whether contained in government evaluation reports on completed work, a database, or other public or private sources, to ensure accuracy. The use of such references for one offeror does not require the same for all offerors so long as sufficient information is available for them. The verification must seek to identify supporting rationale for any evaluation report so that performance assessments always rely on supported statements, even if the source of the information is part of a database.

**Verify all information,
even if from a data base**

How to Collect Information

The evaluation group gathers information through the use of questionnaires, telephonic inquiries, and various databases. Experience indicates that questionnaires provide useful but incomplete information. A helpful approach is to start by sending a questionnaire tailored to the source selection to each reference and to conclude by calling those who respond with pertinent information. Whether you send questionnaires or not, you will most likely conclude by calling the reference to obtain more detail or clarification. While telephone interviews are an excellent means to obtain information, innovations in the field of technology have afforded us with additional means of verification such as e-mail.

Questionnaires should be short, concise and consist of no more than a page to a page and a half of questions.

Where to Conduct Telephone Interviews

Following the screening of previous contracts for further in-depth review, each evaluation group member should send questionnaires and/or initiate telephone calls to the identified references for those efforts. The interviewing and reporting of results are usually individual efforts conducted by each evaluation group member. However, it is sometimes helpful to collect information as a group through the use of conference calls. In any event, the environment in which this work is done significantly impacts both the time required to complete this portion of the process and the quality of the results. These activities are hampered severely if each group member attempts to

conduct telephone interviews at their normal work site with all of its attendant interruptions, distractions, and security risks.

If, on the other hand, the group members are able to assemble as a group for telephone interviews, they will be able to provide considerable reinforcement and instant feedback for one another. Group members should be able to devote their undivided attention to this initial assessment process. Although this approach requires a secure area that is large enough to accommodate all of the group members, the resulting benefits are significant.

How to Conduct Telephone Interviews

The telephone interview process is an art form. Until a smooth conversation pattern is developed, it is an inherently uncomfortable situation for many people. There will be some difficulty learning how to start a telephone interview, keep it moving, and cover all important areas. As the interviewing process continues, the evaluation group member usually uncovers special items of interest that he or she will want to pursue through follow-up calls.

At least two references should be contacted on each previous contract effort selected for in-depth review. The contracting officer, program manager, and contracting officer's representative often prove to be excellent sources of information. Additional references are often identified during the interviews. Maximum effectiveness occurs when the expertise of the evaluation group interviewer matches that of the reference.

Prior to initiating a telephone interview, a group member should gather all available information on a specific effort and draft a list of questions. There may be a common group of questions for all offerors and/or tailored questions for each offeror, depending upon the circumstances. These questions can either be sent as questionnaires to each reference or be used by the group member during the telephone interview.

At the start of each telephone interview, the group member should explain the purpose of the call and request voluntary assistance from the reference. The interviewer should explain that he or she will document the results of the conversation. **There is usually no need to divulge the solicitation number, program description, or other identifying information to the reference. If you do so, you need to obtain a nondisclosure statement.**

In most instances the reference will willingly provide the information requested. In those rare cases when the reference is reluctant to participate, the interviewer should assure the reference of anonymity. At the least, the reference should be requested to provide additional references.

It is important to pursue and document the underlying facts supporting any conclusory statements received on a contractor. The evaluation group member can determine neither the magnitude of a reported problem nor its possible impact on the current risk assessment without first understanding the details surrounding the problem. It is helpful for the group members to meet periodically to share information and ideas.

How to Document Telephone Interviews

During the interview, each evaluator must take notes on a Telephone Interview Record. Immediately following each interview, the evaluators must compare notes and prepare a consensus narrative summary of the conversation on the Past Performance Evaluation Worksheet.

How to Assign Performance Risk Ratings

Once the telephone interviews are completed, the entire evaluation group needs to assess all offerors and assign performance risk ratings. The evaluation group should note instances of good or poor performance and relate them to the solicitation requirements and evaluation factors. Once again, it is helpful for the evaluation group to review the statement of work, specifications, and the evaluation approach described in the solicitation. If the evaluation group identifies past performance problems, it should consider the context of the problems and the role government fault or mitigating circumstances played.

The evaluation group should not limit its inquiry solely to the proposing entity if other corporate divisions, contractors or subcontractors will perform a critical element of the proposed effort. The performance record of those organizations should be assessed in accordance with the solicitation. Performance risk assessments should consider the number and severity of problems, the ***demonstrated*** effectiveness of corrective actions taken (not just planned or promised), and the overall work record.

The evaluation group's assessment is usually based upon subjective judgment. It is not intended to be a mechanical process or a simple arithmetic function of an offeror's performance on a list of contracts. Rather the information deemed most relevant and significant by the group should receive the greatest consideration. The assessment should include a description of the underlying rationale for the conclusions reached. As long as that rationale is reasonable, it will withstand scrutiny even if other reasonable conclusions exist.

A word of caution is appropriate concerning offeror promises to correct past performance failures, as opposed to actions already taken to correct such failures. A promise to improve does not, by itself, improve past performance. However, ***demonstrated*** corrective actions reflect a commitment to rectify past performance problems, and therefore, can lower the risk of similar performance failures.

Disclosing Past Performance Information to Offerors

The contracting officer must also provide offerors with the opportunity to comment on negative past performance information on which offerors have not had a previous opportunity to comment. This practice ensures fairness for the competing offerors. The validation process is particularly important when the negative information is provided by only one reference, or when there is any doubt concerning the accuracy of the information. Usually, negative information reflects performance that was less than satisfactory, although this is a judgment call that will depend upon the circumstances of the acquisition. Note that while the government must disclose past performance problems to offerors it shall not disclose the names of individuals who provided information about an offeror's past performance.

A special problem arises with respect to subcontractors. Past performance information pertaining to a subcontractor cannot be disclosed to a private party without the subcontractor's consent. Because a prime contractor is a private party, the government needs to obtain the subcontractor's consent before disclosing its past performance information to the prime during negotiations. There are a variety of ways to obtain subcontractor consent. For example, the solicitation could require the prime to submit its subcontractor's consent along with the prime's proposal to the government.

What to Include in the Assessment Report

The goal is to avoid saying too much or too little in the evaluation report. Although there is no need to restate everything contained in the telephone memoranda, the evaluation group must provide the source selection authority with sufficient information to make informed judgments.

Conclusory statements must be supported by the underlying factual basis. The best practice is to state the conclusion and provide specific examples that support that conclusion.

To ensure that the risk assessments provide the necessary background information and are structured consistently, the entire evaluation group should review and evaluate the report on each offeror. During this review, the evaluation group should correct statements that appear unsupported, inconsistent, or unnecessary.

Occasionally the evaluation group will be unable to arrive at a unanimous agreement on a particular risk assessment. If this occurs, the evaluation group may include the dissenting opinion as part of the assessment report.

Reporting the Past Performance Evaluation Results

The evaluation group's submission of the assessment report usually completes the major portion of its work. The evaluation group leader, should remind the source selection official of the purpose of the group and the past performance evaluation approach, including offerors with no past performance history, described in the solicitation. This is to ensure that everyone fully comprehends the significance of the results being reported. Experience reveals that source selection officials are more apt to rely upon evaluation group results if they thoroughly understand the process.

How to Treat Past Performance Information

Information concerning the past performance of an offeror or of its proposed subcontractors should be treated as sensitive source selection information. This information sometimes includes information that is proprietary, such as trade secrets and confidential commercial or financial data that would not be released under the Freedom of Information Act. Current laws, regulations, and policies governing storage, access, disclosure, and marking of source selection and proprietary information must be observed at all times. Questions concerning the procedures for the handling of past performance information should be referred to the contracting officer or legal counsel for resolution.

The evaluation group must retain the records of its activity throughout the source selection process. Upon contract award or cancellation of the solicitation, all evaluation group records are provided to the contracting officer for retention along with the other source selection documents.

Appendix E

Guidelines for Oral Presentations

Overview

This appendix will help you understand oral presentations and utilize them during the source selection process. It should always be used in conjunction with the basic best value guide.

Introduction

For internal decision making, we don't generate volumes of written material and data and expect the decision-maker to read it all and make a decision. We present the facts in a briefing (an oral presentation), discuss the issue and answer questions, and get a decision.

Oral presentations can substitute for a portion of the traditional written proposal in competitive negotiated acquisitions and serve the purpose of a briefing. Oral presentations have emerged as one approach offering promise of saving time, staff resources, and money.

The purpose of this Appendix is not to present "best practices" or to dictate a "right" or "wrong" approach to the use of oral presentations. We do not have enough practical experience to know exactly what is best or right or wrong. We believe that, like most other tools that are available, the particular circumstances must be used to determine the correct use of this method.

Nonetheless, there are some guidelines and principles for use of oral presentations. By considering these guidelines, oral presentations can become a powerful and useful approach to doing business and streamlining the acquisition process.

What is An Oral Presentation?

Oral presentations provide offerors an opportunity to present information verbally that they would ordinarily provide in writing. Oral presentations eliminate, or greatly reduce, the need for written material, where information can be verbally conveyed more efficiently and effectively. Evaluators can receive information as to the capability of the offeror -- generally demonstrating its understanding of the work or describing how the work will be performed -- directly from the key members of the offeror's team that will actually perform the work.

For the purposes of this guidance, an oral presentation presents verbally proposal information that traditionally is presented in writing. It is conducted in real time and permits communication between presenter and evaluator, so it could be in person or via video teleconference, for example. A taped video presentation, therefore, does not constitute an oral presentation. It does not provide the advantages of communicating and exchanging information. If offerors perceive it as an expensive proposition because of the need for professional taping facilities, it could become a barrier to market entry. This could particularly impact small business.

Whether you use an oral presentation or get everything in writing, the same principles of fairness, impartiality, and good business judgment must be followed.

When Should You Consider an Oral Presentation?

Clearly, there is no one best approach for using oral presentations. They can be used in a variety of acquisitions using different contract types. You can design a scheme that best fits the nature of the acquisition and the availability of resources. You must be prepared to commit resources and capable evaluators to this intense and innovative process. Your methodology can include the most appropriate features that can streamline your particular solicitation and source selection. On the other hand, if your design includes inappropriate features because of poor business judgement or an attempt to use a "one size fits all approach," you will not gain the efficiencies and savings in time and costs that are possible. Worse, you may end up with a failed process that ends in a protest or other litigation.

Oral presentations are most useful when the requirements are clear and complete. They seem to work especially well with performance and functional specifications and statements of work. If you request complex management or technical information, your presenters and evaluators will not be able to effectively use oral presentations.

Oral presentations can be effective in evaluating offeror qualifications and understanding of the work

If you are requesting information to evaluate an offeror's qualifications or understanding of the work, an oral presentation can be an effective tool. A multiple-award task order contract might be a prime candidate in this regard. Usually you will be evaluating the capability and understanding of the offerors for the type of work to be done -- exactly the type of information an oral presentation can most effectively provide. The actual work will be specifically defined in each order.

In deciding whether to use oral presentations, you might also consider industry input. Your market research might reveal circumstances that are favorable or unfavorable to its use. Later in the process, you may get feedback from a draft solicitation or a preproposal conference that makes an oral presentation more or less attractive as a part of your source selection.

Planning For an Oral Presentation

You first decide and plan on the use of oral presentations when the source selection or evaluation plan is developed. At this point the evaluation factors and subfactors and proposal preparation instructions are determined. This is when you decide if your particular circumstances are appropriate for an oral presentation and how it will be included in your source selection process.

The oral presentation method does present some unusual considerations. Offerors will be presenting information orally instead of in writing. The solicitation must clearly identify the

ground rules for conducting oral presentations and include adequate information from which offerors can prepare their proposals.

Evaluation Factors and Subfactors

You decide on the proper discriminators to make the source selection based on your requirements, objectives, perceived risks, and market research. Once the factors and subfactors are selected, then you can decide whether the information required to evaluate the offeror can be reasonably presented orally. Technical and management information are generally the subjects of oral presentations. The factors and subfactors in these areas should be selected to determine how well qualified the offeror is to perform the work, how well the offeror understands the work, and how the offeror will approach the work. In most situations, the oral presentation will be limited to, and directed to, those evaluation factors and subfactors.

Proposal Preparation Instructions

If oral presentations are appropriate, you must notify offerors in the RFP that oral presentations will be used to evaluate and select the contractor. Highlight this in the solicitation cover letter and/or the Executive Summary. Likewise, the proposal preparation instructions must contain explicit instructions and guidance regarding the extent and nature of the process that will be used. For instance, the Proposal Preparation Instructions may require the oral presentation to follow a detailed outline which directly relates the information presented to the evaluation factors and subfactors or may direct the order in which material is presented, and may divide the presentation into topics, tasks, or sections. You may want to give the offeror a "pop quiz" as part of the presentation. If you do, however, you may have to develop variations of your quiz if some offerors are using the same subcontractors so that those later presenters don't have a prepared answer. Also, consider if you want the offeror to submit the presentation material (e.g., charts) before the actual presentation.

The instructions governing the oral presentation should discourage elaborate presentations or presentation material. You don't want a dog and pony show.

Developing Sound Preparation Instructions For Oral Presentations

- ***Describe the topics that the offeror must address orally and the technical and management factors that must be covered;***
- ***State the total amount of time that will be available to make the presentation and who must make the presentation;***
- ***Describe the limitations on Government-offeror interaction during, and, if possible after, the presentation;***
- ***State whether the presentation will constitute discussions;***
- ***State whether the presentation will encompass price or cost and fee;***
- ***Describe the characteristics and arrangement of the presentation site;***

- *State the rules governing the use of presentation media;*
- *Describe the format and content of presentation documentation, and their delivery;*
- *State whether the presentation will be video or audio taped; and*
- *State the approximate timeframe when presentations will be made.*

Types of Information

Determining the types of information that will be provided orally is extremely important. Trying to collect and evaluate the wrong type of information will not only make the evaluation more difficult, if not impossible, but also slow the process and probably rob you of the benefits of using oral presentations in the first place. Also, you can create problems later in the process, e.g., in determining the competitive range or in conducting discussions. Oral presentations can convey information in such diverse areas as: responses to sample tasks and other "tests"; understanding requirements; experience; quality of samples; and transition plans. You cannot fairly collect or evaluate cost/price information, representations and certifications, and personnel resumes orally. Complex and detailed information that will become part of the contract will also be difficult to obtain and evaluate orally. Remember, you cannot incorporate oral statements in the contract by reference. Any information that you want to be made part of the contract needs to be put in writing.

Proposal information will consist of both written and oral material. As a rule of thumb, hard data ("facts") regarding an offeror's performance history and contractual commitments should be provided as part of the written information. Soft data (e.g., capability, plans, approaches) can be conveyed accurately and in sufficient detail through oral presentation.

Timing of the Presentation

The question here is when to hear the oral presentation. This timing decision should focus on how the information will be used in the process and how it affects your potential offerors. If you intend to award on the basis of initial proposals, the timing is not so important. If the presentation is going to be part of the competitive range determination, then timing is important and you must be careful to make sure you don't get into "discussions" or "negotiations" before, during, or immediately after the presentation.

Since preparing and presenting an oral presentation involves time and expense, you don't want to require presentations from offerors who aren't likely to be a serious candidate for award. This can be an important consideration with small business. When this is a concern, you may want to hold oral presentations after you have established the competitive range.

Preliminary Matters

Selecting the Order of the Presentations

A lottery or drawing lots by the Contracting Officer is most often used to determine the sequence of presentations. The time between the first and the last presentation should be as short as possible to minimize any advantage to the later presenters. The solicitation should spell out how the selection will be made. You must also decide up front whether any rescheduling will be permitted if an offeror requests a change after you have set the schedule. Consider scheduling problems and how many presentations and evaluators are involved.

The Facility

Usually you will want to conduct the presentations at a facility that you can control. This will probably be more convenient for both sides; it helps you guard against surprises, and ensures a more level playing field. However, nothing precludes an oral presentation at an offeror's facility. This may be more efficient if site visits, or other demonstrations, are part of the source selection.

Facility Rules of Thumb

- *Make it comfortable for both the presenters and the Government evaluators. The room should be large enough to accommodate all of the participants, the recording equipment, lighting, audiovisual aids, and furniture.*
- *Make it accessible.*
- *Make it available, if possible, for inspection by the offerors prior to the time set for the actual presentation.*

The solicitation should describe the facility and resources available to the offeror. In addition, the solicitation should be clear as to what types of equipment will be available for the presentation, what equipment, if any, should be provided by the offeror, and any prohibitions regarding equipment types and uses. In addition to making the facility available for inspection, you might consider making it available to offerors for a practice session if circumstances warrant. Allowing offerors to get acquainted with the facility will help ensure that it does not detract from the presentation content.

Discussion of Ground Rules

Prior to any presentations, the contracting officer should discuss responsibilities, both during and following the presentation, with all the Government participants. Remind them that an oral presentation is source selection sensitive and that they may not discuss, within or outside the agency, (except among themselves) anything that occurred or was said at a presentation.

You should also go over the guidelines for the scope of questions and information exchanges with offerors during the presentation. Make sure everyone understands that the intent is to encourage the exchange of information. But you also have to ensure that any limits are clearly understood. If you are combining the presentation with discussions, this is less of a problem. If

you intend to avoid discussions, you will have to establish clear guidelines such as the Contracting Officer/Contract Specialist controlling all exchanges during the presentation. You want to avoid too much control and regulation that might inhibit exchanges of information. Good training and experience in this technique will take care of most of these potential problems.

Recording the Presentation

Recording the presentation is not only required, it makes good business sense and has some distinct advantages. A recording permits evaluators to review the presentation to verify information. In the event of a protest or litigation, you will have an exact record of the presentation. Obviously, if you record one, you must record them all and only the Government should be permitted to record the presentation. Several methods, such as videotape, audiotape, or verbatim written transcripts, are available.

If videotaping is to be used, an audiovisual specialist should be used to operate the taping equipment to ensure the quality of the recording. The videotaping facilities should allow for natural behavior of presenters. If slides or view graphs are used, the camera should view both the podium and screen at the same time. Microphones should be placed so that all communications can be recorded clearly and at adequate volume. The videotape will become part of the official record, and a copy should be furnished to the offeror. As part of the official record, the recording is considered Source Selection Sensitive and should be treated accordingly. Similar considerations exist when only an audiotape will be recorded. The point is that every effort should be made to avoid letting the recording become the focus of the presentation.

Conducting the Oral Presentation

Government Attendance

As a general rule, all of the Government evaluators should be present at every presentation. The Contracting Officer/Contract Specialist must attend and should chair every presentation. Obviously, the Source Selection Authority must decide whether to attend all the presentations or none of them.

Reviewing the Ground Rules

Prior to the presentation, the Contracting Officer/Contract Specialist should review the ground rules for the presentation with the offeror. You should discuss any restrictions on Government-offeror information exchanges, information disclosure rules, documentation requirements, and housekeeping items.

Make sure everyone knows the rules in advance

If you are using a quiz as part of your evaluation, you also need to discuss the ground rules for that. Can the offeror caucus before answering? Can the offeror contact outside sources by cell phone before responding? Make sure that everyone knows the rules.

Presenters

Presentations should be made by the offeror's key personnel who will perform or personally direct the work being described, such as project managers, task leaders, and other in-house staff. You need to avoid letting the oral presentation become the domain of the professional presenter.

This would be another way to increase costs, detract from the advantages of oral presentations, and adversely affect small businesses. This is your opportunity to actually meet and evaluate the people who will be leading or doing the work.

Presenters should be those who will be directly involved in the work

Submitting videotapes or other forms of media in addition to the presentation should be avoided. If there is major subcontracting, members of subcontractor staff should make the relevant presentation. By requiring the oral presentation to cover only useful information and by limiting the amount of time available for the presentation, sales pitches and costs can be minimized.

Time Limit

You have to establish a firm time limit for each presentation in the solicitation. You should also restrict the amount and type of presentation material that an offeror may use during the presentation. You may want to restrict the number of charts or the number of bullets on each chart. There is no "ideal" amount of time to be allotted. The only indicators to follow are the complexity of the acquisition and your own (or others) experience and lessons learned. If you are planning a question and answer session, you should exclude it from the allotted time for the presentation or set a separate time limit for it.

It is not advisable to limit the time for individual topics or sections within the presentation. As with the proposal itself, this detail is the responsibility of the presenter.

Exchanging Information with Offerors During the Oral Presentation

Open communication and dialog between the offeror and the Government are one of the primary benefits to using oral presentations. As indicated previously, the nature and extent of information exchanges between the offeror and the Government evaluation team is an issue that must be met head on. The rules established in regulation regarding exchanges with offerors during the course of the solicitation process must be watched carefully. This can be especially important if you decide to have your presentations before you establish the competitive range or you are contemplating making an award without discussions. You do not want to inadvertently trigger the rules regarding discussions. Establishing the ground rules in the solicitation for exchanges during the presentation and reviewing them before the presentation is a must. However, limiting dialog to questions that merely repeat statements that may not have been heard by the evaluators makes little sense and adds little value in improving the understanding of the offeror's presentation.

On the other hand, if you've already established the competitive range, the oral presentation may be the optimal setting for conducting discussions.

Evaluation of Presentations

Again, there is no firm rule regarding the best time to evaluate the presentation. Generally, the sooner the better. There are many factors to consider: how many presentations there are; how long each presentation is allowed; and how many evaluators are involved. Evaluations can be performed immediately following each presentation. The evaluations could be performed after all of the presentations have been made, possibly after reviewing the videotape again. If you decide to wait, the evaluators should caucus following each presentation to exchange reactions, summarize potential strengths and weaknesses, and verify perceptions and understandings. Using preprinted evaluation forms will help the evaluators collect their thoughts and impressions. These forms will be useful no matter when evaluations are done and will be more useful if the evaluation standards are preprinted on the form. Remember, even if you use preprinted forms, evaluators have to provide the rationale for their conclusions.

Documentation

The solicitation should require that the offeror provide a listing of names and position titles of all presenters and copies of all slides and other briefing materials that will be used. The presentation might be more useful if the materials are provided to the evaluators before the presentation so they can familiarize themselves with the information. These items become part of the official record along with the audio or video tape recording or transcript. The master copy of the tape or transcript should be sealed and securely stored to ensure there would be no allegations of tampering in the event of a protest or court action requiring additional copies to be made. Your ground rules should be clear about how you will treat documents or information referenced in the presentation material but never presented orally. You should also be clear about how you will evaluate material that doesn't comply with your solicitation instructions, such as too many charts or too many bullets per chart. Remember, the object is to communicate information efficiently, effectively, and fairly and to avoid surprises.

Advantages Of Oral Presentations

Oral presentations have the potential of significantly reducing the time and costs associated with the source selection process. Both sides can benefit from this. Oral presentations can avoid lengthy written marketing pitches and essay writing contests. Some types of written proposal information, particularly technical and management, which are costly to prepare, may be better conveyed and understood when explained orally or demonstrated visually.

Oral presentation techniques also allow greater "face-to-face" interaction between buyers and sellers. Through an oral presentation, evaluators often gain a view of the offeror's key personnel by witnessing how they present themselves, how they work together, and how they communicate technical information to Government personnel. This process provides many of the features of a "job interview" of the proposed key individuals such as the Project Manager. Additionally, the oral presentation process may provide an opportunity to separate offerors who really have the

expertise to satisfy the requirement from those offerors who simply know how to write a great proposal.

Advantages Of Oral Presentations

- Can Save Significant Time
- Can Improve Communication Between the Government and Offerors
- Can Reduce Government Evaluations Costs
- Can Reduce Offerors' Proposal Preparation Costs
- Can Increase Competition by Reducing Market Entry Barriers
- Can Improve Ability to Select Most Advantageous Offer

Conclusion

Real world application of the use of oral presentations in competitive source selections has already proven the concept workable and beneficial. Reaction from both Government and industry has been generally favorable. There are several advantages for both parties in this process. Oral presentations do require planning, flexibility, and understanding the rules by everyone involved. Consider being an observer at an actual oral presentation so you are prepared for the give and take and potential benefits that you can gain from this process.

Practical Hints On the Use Of Oral Presentations

- Presenters should not include overly detailed, technical information on slides. Attempting to put a written technical proposal on presentation slides makes it difficult for evaluators to read and follow.
- Ask for briefing materials in advance of the presentation so that the evaluators attending the presentation can review them. This will improve the evaluators' ability to understand the presentation.
- The setting for the oral presentation should be comfortable and free from disturbance and interruption.
- The proposal preparation instructions should clearly state whether the information in the oral presentation will be used solely for evaluation purposes in selecting the contractor, or whether such information may become part of the contract.
- The Government should not accept any materials that were not actually part of the oral presentation.
- Where time limits or restrictions on the amount of presentation material will be used, such restrictions should be clearly identified in the solicitation.
- Allow sufficient time between presentations to permit the evaluation team to caucus and reach consensus.

- If practicable, evaluate and rate the oral presentations immediately after each presentation is made.
- Require the offeror's key personnel to make the oral presentation.
- Schedule the oral presentations as soon as practicable after receipt of proposals.
- If award on the basis of initial proposals is not contemplated, if possible, limit the oral presentations to only those firms in the competitive range.
- Do not replicate information already requested in the written proposal in the oral presentation.
- Judiciously limit evaluation factors and subfactors to what's most important to the source selection and clearly identify the factors that apply to the oral presentation.

Appendix F

Guidelines for Conducting Debriefings

Overview

This appendix provides easy to follow guidance for conducting both pre-award and post-award debriefings. It should always be used in conjunction with the basic best value guide. Using this guidance will result in meaningful debriefings and will instill greater confidence in the acquisition process. Comprehensive and open debriefings will strengthen and enhance our relationship with industry.

What Is A Debriefing?

A debriefing is a meeting between government personnel and an offeror who has been eliminated from the competition either prior to or after contract award. The purposes of a debriefing are:

- To explain the rationale for exclusion from the competition.
- To instill confidence in the offeror that it was treated fairly.
- To assure the offeror that proposals were evaluated in accordance with the solicitation and applicable laws and regulations.
- To identify weaknesses in the offeror's proposal so the offeror can prepare better proposals in future government acquisitions.
- To reduce misunderstandings and protests.
- To give the offeror an opportunity to provide feedback regarding the solicitation, discussions, evaluation, and the source selection process.

A debriefing is NOT:

- A page-by-page analysis of the offeror's proposal.
- A comprehensive point-by-point comparison of the proposals of the debriefed offeror and the successful offeror(s).
- A debate or defense of the government's award decision or evaluation results.

**Debriefings enhance understanding
of the selection process**

Who Is Entitled To A Debriefing?

Whenever the Government awards a contract based on competitive proposals, an unsuccessful offeror is entitled to a debriefing if it timely requests one. Debriefings are not required when sealed bidding procedures are used.

Offerors excluded from the competitive range or otherwise excluded from the competition before award may request a pre-award or post-award debriefing.

Good business practice dictates that the Government should debrief the awardee if requested. Although the Government often conducts a post-award conference with the awardee, that meeting does not necessarily substitute for a debriefing.

When Must A Debriefing Be Conducted?

The Government must conduct a debriefing for an unsuccessful offeror if:

- (1) the offeror makes a written request for a debriefing, and
- (2) the request is received by the contracting activity within 3 days after the offeror received notice of exclusion from the competition or contract award.

Here's a simple rule for computing time periods: Count days as calendar days and include weekends and legal holidays. Don't count the day the offeror received the notice. Start with the next day. For example, if the offeror received the notice on Tuesday, the 1st day is Wednesday, the 2d day is Thursday, and the 3d day is Friday. Thus, you must receive the request for the debriefing no later than close of business on Friday.

Establishing the date the offeror received the notice may be difficult if the notice is sent by regular mail. Accordingly, you should consider sending the notice by mail with return receipt requested or by electronic transmission (fax) with immediate acknowledgment requested. Remember, every day of delay in notifying the offeror usually extends by one day the time in which a protest may be filed.

If the request is for a pre-award debriefing, the contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable. If there are compelling reasons that it is not in the Government's best interest to conduct the debriefing prior to award, the contracting officer can delay it no later than the time when post-award debriefings are provided. In such cases, you must document the contract file with the rationale for the delay. This debriefing should then be conducted as a post-award debriefing.

If an offeror, who has been eliminated from the competition prior to award requests a delayed debriefing (i.e., post-award), the date the offeror knew or should have known the basis of a protest shall be the date the offeror received notice of the exclusion from the competition.

If you receive a timely request for a post-award debriefing, you must conduct the debriefing within 5 days, to the maximum extent practicable, after receipt of the request. Remember that the scheduling of a debriefing may have significant ramifications if a protest is later filed. A protester filing a protest with the General Accounting Office is entitled to an automatic suspension of contract performance if the protest is filed within 5 days of the debriefing date offered to the protester (or 10 days after contract award, whichever is later).

Thus, it is extremely important that you schedule the debriefing for the earliest possible date for the Government. You should inform the offeror of the scheduled date in writing by electronic means with immediate acknowledgment requested. If the offeror is unable to attend the scheduled date and requests a later date, the offeror should be required to acknowledge in writing that it was offered an earlier date, but requested the later date instead. This procedure will protect the Government's interests if the offeror subsequently files a protest.

If an offeror submits an untimely request for debriefing (i.e., received more than 3 days after notice of elimination from the competition or contract award), the contracting officer should nonetheless conduct a debriefing if feasible. However, the contracting officer should inform the offeror that the request is untimely. Untimely requests do not invoke the statutory provision for automatic suspension of contract performance unless the protest is filed within 10 days of contract award.

The time periods stated in this guidance were current on the date of publication. However, always check with your legal counsel for the latest General Accounting Office rules and revisions.

Where Is A Debriefing Held?

The contracting officer is responsible for selecting a suitable location for the debriefing that ensures a professional presentation in a non-distracting environment.

A conference room will normally suffice. Obviously, the room must be equipped with the necessary audiovisual equipment that will be used during the debriefing. The contracting officer should consult with the offeror to ensure that adequate seating will be available for all personnel attending. If classified material will be discussed, appropriate arrangements must be made.

Although face-to-face debriefings are frequently preferable, it is appropriate to conduct debriefings by telephone or other electronic means. Sometimes, it will be financially prohibitive for the offeror to attend in person. The needs of the offeror should be afforded due consideration, but the contracting officer makes the final decision as to the debriefing location.

If some of the government personnel are located at an installation other than the contracting office, the contracting officer may decide that those individuals' attendance is best accomplished by telephone or videoconference. The possibilities are endless -- make use of available technology and do what makes sense!

Who Attends A Debriefing?

Government Personnel

The contracting officer is responsible for chairing the debriefing. This doesn't mean that the contracting officer must conduct the entire debriefing. In fact, usually the contracting officer will rely on government technical and cost/price personnel to present the portions of the debriefing that address those specialized areas of the offeror's proposal. The debriefing should be conducted with only one offeror at a time.

The contracting officer identifies the Government debriefing team members. The selection is based on the complexities presented in each acquisition. The key is to ensure that knowledgeable Government personnel are present. Because of the statutory requirement for a prompt debriefing, the contracting officer should tentatively select the team before the contract award is announced.

When determining the composition of the team, you must keep in mind the objectives of a meaningful debriefing. Above all, the Government must display that it fully understood the offeror's proposal. If this is not conveyed, the offeror will obviously have little confidence in the conduct of the acquisition. Many debriefings have failed merely because the contracting officer did not ensure appropriate Government personnel were present.

Involve government legal counsel in debriefings

The contracting officer's legal counsel should attend the debriefing. Legal counsel should also assist in the preparation of the debriefing. If the acquisition is in litigation or under protest, legal counsel must attend the debriefing. Legal counsel should be informed of any indicators that a protest is likely. However, the contracting officer will not deny a debriefing because a protest is threatened or has already been filed.

Debriefed Offeror Personnel

The contracting officer should ask an offeror scheduled for a debriefing to identify all individuals by name and position who will attend the debriefing. Normally, no limitation should be placed on the personnel the debriefed offeror may bring to a debriefing. Nonetheless, space limitations of Government facilities may require restrictions in extraordinary cases on the number of offeror personnel invited to attend. The contracting officer should not impose restrictions unless the contracting officer has determined that all suitable alternate facilities are unavailable.

There may be times when you should consider offering to have high level officials from the requiring activity present at the debriefing if the offeror in turn agrees to have commensurate management officials present. This has proven effective when high level officials were substantially involved in the acquisition or the acquisition received extensive high-level visibility or scrutiny.

Preparing For A Debriefing

A debriefing requires preparation!

Only the foolhardy will attempt to conduct a debriefing unprepared. Experience has shown that going into a debriefing unprepared is the surest way to lose the confidence of the offeror and increase the prospects of a protest.

Because debriefings are time sensitive, preparation must begin before proposal evaluation is complete. Usually, the proposal evaluation board will assist you in preparing debriefing charts and conducting the debriefing. Accordingly, at the time the evaluation board is formed, you must inform the evaluators that their duties include assisting with debriefings.

Preparation for the debriefing should be thorough. Debriefings permit offerors to learn their strengths and weaknesses and how to improve future Government proposals. Offerors may also rely, however, on these sessions to influence their decision regarding filing a protest. An effective debriefing can often deter a protest by demonstrating that the Government conducted a thorough, fair evaluation and made a sound decision according to the established solicitation evaluation methodology.

The extent of preparation necessary varies considerably with the complexity of each acquisition. Sometimes, merely preparing debriefing charts is sufficient. Other times, dry run rehearsals are necessary.

Finally, all government personnel attending the debriefing must be briefed on their roles and expected demeanor during the debriefing. Argumentative or overly defensive conduct should be discouraged, and Government personnel should be instructed to make a positive presentation.

What Materials Should Be Brought Into the Debriefing Room?

Debriefing material normally consists of briefing charts and notes prepared for use during the debriefing.

- Experience has shown that Government personnel should ***Not*** bring the following materials into the debriefing room:
- Proposals of other offerors, and
- Proposal evaluation reports of other offerors' proposals.

The presence of these documents can lead to the inadvertent disclosure of proprietary information and prohibited point-by-point comparisons of proposals.

Experience has also shown that a faulty memory or misstatements by Government personnel are detrimental to a successful debriefing. Thus, contracting officers must ensure that necessary notes or other documents are accessible during the debriefing.

Debriefing the Unsuccessful Offeror

Who's in Charge?

The contracting officer is responsible for the debriefing and as such must never lose control of the debriefing.

Introduction

The debriefing should begin with a brief introduction of all attendees. You should then explain the purposes of the debriefing. (*Refer to: What is a debriefing?*)

Ground Rules

Next, you should inform everyone of the ground rules for the debriefing, any time constraints, and the debriefing agenda.

Handling Questions

During both pre-award and post-award debriefings, the debriefed offeror is permitted to ask relevant questions pertaining to whether the Government followed the source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities. Often, contracting officers request that questions from the debriefed offeror's personnel be funneled to the debriefed offeror's main spokesperson who will ask all the questions. This practice is permissible and, in fact, often enhances the orderly conduct of a debriefing.

The contracting officer must make every effort to provide reasonable responses to those questions. However, caution must be exercised not to inadvertently disclose proprietary information of other offerors.

Normally, responses should stay within the confines of the guidance stated above. If the contracting officer is unprepared to answer a specific question at the debriefing, the contracting officer should obtain the answer immediately following the debriefing and promptly furnish it to the offeror. To avoid this, you may find it helpful to request written questions ahead of time to use in preparing for the debriefing.

Because the debriefing is the forum for answering reasonable questions, offerors should not be invited to submit questions after the debriefing.

Source Selection Process

The process used in evaluating proposals, establishing the competitive range, and selecting the awardee should be briefly explained. When conducting a post-award debriefing, the source selection authority normally should be identified by name. The identities of the evaluators, other than those present at the debriefing, are normally not disclosed. Nonetheless, the Government must convey to the offeror that the proposals were evaluated by qualified personnel.

Evaluation Factors/Subfactors

The evaluation factors and subfactors disclosed in the solicitation should be restated as the foundation for discussing the evaluation results.

Evaluation Results

The source selection information disclosed at debriefings for an unsuccessful offeror is governed by law, regulation and the sound discretion of the contracting officer. If the contracting officer observes the following guidelines for pre and post-award debriefings, there should be little concern about inadvertently disclosing unauthorized proprietary information.

Pre-award Debriefings

At a minimum, the following information will be disclosed:

(1) The evaluation results of significant elements in the debriefed offeror's proposal.

What are significant elements? If the element was significant enough to eliminate the offeror from the competitive range, it is probably significant for debriefing purposes. Include in your discussion positive elements of the offeror's proposal to help him improve future proposals.

(2) Summary of the rationale for eliminating the offeror from the competition.

What Cannot Be Disclosed! (Pre-award)

In addition to the information that may *Not* be disclosed in post-award debriefings (see What *Cannot* be Disclosed! (Post-award)), by law the following information may not be disclosed in a pre-award debriefing:

- (1) The number of offerors;***
- (2) The identity of other offerors;***
- (3) The content of other offeror's proposals;***
- (4) The ranking of other offerors;***
- (5) The evaluation of other offerors.***

Post-award Debriefings

At a minimum, the following information will be disclosed:

**(1) The deficiencies and significant weaknesses
of the debriefed offeror's proposal.**

When is a weakness significant? If the weakness was of significant enough concern to warrant its discussion during the negotiation phase of the acquisition, it is probably significant for debriefing purposes as well. Whereas, if it wasn't significant enough to warrant discussion, it is not significant for debriefing purposes either, unless, of course the weakness was created in the final proposal revision. It is also a good practice to discuss the significant advantages of the debriefing offeror's proposal.

**(2) The evaluation ratings of the
debriefed offeror and awardee -- but only
to the second level of evaluation.**

If the evaluation board used adjectival ratings, the adjectives and their definitions contained in the evaluation plan should be disclosed. If numerical ratings or color codings were used instead, they should be disclosed likewise.

What is the second level of evaluation? For example, assume the solicitation sets forth the following four evaluation factors: Technical, Management, Integrated Logistics

Support (ILS), and Past Performance. This is the first level of evaluation and the overall ratings for each of the four factors would be disclosed.

If several subfactors were separately rated under a factor (such as Management Approach, Proposed Staffing, and Past Corporate Experience in the Management factor), then those subfactors constitute the second level of evaluation and their ratings should also be released.

The evaluation ratings at the third and fourth levels of evaluation of the awardee's proposal should normally not be revealed. If ratings are revealed at these lower levels, it is conceivable that the contracting officer may run afoul of the statutory prohibition against point-by-point comparisons of proposals.

Ratings of the debriefed offeror's proposal may be revealed to these lower levels if necessary to explain the rationale for the award decision. Be prepared to explain the rationale for the ratings of the debriefed offeror's proposal.

**(3) The government's total
evaluated costs/prices of the
debriefed offeror's proposal.**

The total evaluated costs/prices of the debriefed offeror's proposal should be disclosed for each contract line item (CLIN), and an explanation given for any significant cost realism adjustments made by the Government at the major cost element level.

**(4) The total evaluated costs/prices
of the awardee's proposal.**

The awardee's total proposed and evaluated costs/prices for each CLIN should be disclosed.

Do Not disclose the specific Government cost/price adjustments to the awardee's proposed cost/prices.

(5) Overall ranking of all proposals.

If the source selection authority ranked the proposals (i.e., the best overall proposal, 2d best, etc.), the overall ranking of all proposals must be revealed. However, the identities of the other unsuccessful offerors should not be revealed. Refer to those offerors by alphanumerical letters or other designators.

(6) Rationale for award decision.

The Government must disclose a summary of the rationale for the contract award decision. The rationale is contained in the source selection authority's (SSA) decision memorandum. Contracting officers should furnish the debriefed offeror a copy of the SSA's memorandum, if requested. However, evaluation information concerning the other unsuccessful offerors and proprietary information of the award must be redacted prior to release.

Identify the significant advantages of the awardee's proposal in general terms without revealing confidential proprietary information contained in the awardee's proposal. (***See below, What Cannot Be Disclosed!***)

**(7) The make and model of any commercial
end items proposed by the awardee.**

If the awardee's proposal includes a commercial item that is an end item under the contract, the make and model of the item must be disclosed.

**Information Pertaining To Other
Unsuccessful Offerors That May**

Be Released (Post-award)

Under certain circumstances, you may release other information such as the final overall ratings for non-cost factors and/or the final evaluated cost/price of the other unsuccessful offerors. Release of the overall non-cost ratings is discretionary. However, release of the total final evaluated cost/price is limited to those situations where an unsuccessful offeror consents or the agency determines that the unsuccessful offeror, after consulting with it, would not suffer competitive harm from such a release. The decision to release any of this information must be made on a case-by-case basis with guidance from your legal office.

What Cannot Be Disclosed! (Post-award)

By law a debriefing may Not include point-by-point comparisons of the debriefed offeror's proposal with the other proposals. If the ratings of the proposals of the debriefed offeror and the awardee are disclosed only to the second level of evaluation, this prohibition should not present a problem.

Also by law, debriefings may NOT disclose information that is exempt from release under the Freedom of Information Act (FOIA) relating to:

- (1) Trade secrets;*
- (2) Privileged or confidential manufacturing processes and techniques;*
- (3) Commercial and financial information that is privileged or confidential, including cost breakdowns, profits, indirect cost/rates, and similar information; and*
- (4) Names of individuals providing reference information about an offeror's past performance.*

This information is normally referred to as "*proprietary information.*"

Proprietary information means information contained in a proposal or otherwise submitted to the Government that the submitter has marked as proprietary. Proprietary information does Not include information that is otherwise available without restriction to the Government or the public. If you believe that information marked proprietary is not truly proprietary, you should contact the assigned legal advisor for an appropriate determination before the information is released.

Debriefing the Awardee

Although debriefing an awardee is similar in many respects to debriefing an unsuccessful offeror, there is one significant difference -- very little information is revealed regarding the proposals of the unsuccessful offerors.

As discussed in *Debriefing The Unsuccessful Offeror*, the following outline is suggested:

- Introduction.
- Explain the purposes of the debriefing.
- Announce the ground rules.
- Summarize the source selection process that was used.
- State the proposal evaluation factors and subfactors.
- Reveal the evaluation results:
 - (1) The significant advantages of the awardee's proposal.
 - (2) The significant weaknesses of the awardee's proposal.
 - (3) The evaluation ratings of the awardee's proposal to the second level of evaluation. Explain the rating definitions.
 - (4) The Government's total evaluated costs/prices of the awardee's proposal for each Contract Line Item (CLIN). Explain significant cost realism adjustments made by the Government to the major cost element level.
- A summary of the rationale for the contract award decision.
- The overall ranking of all proposals (if overall rankings were made during source selection), but do not identify the unsuccessful offerors by name.
- Answer relevant questions pertaining to whether the Government followed the source selection procedures set forth in the solicitation, applicable regulations, and other authorities.

The Post-debriefing Memorandum

The contracting officer must include a summary of each debriefing in the contract file. Good post-debriefing memorandums are essential if the acquisition is reopened or resolicited as a result of a protest or otherwise within 1 year of the contract award date.

In those circumstances, the law requires that the contracting agency make available to all offerors information regarding the proposal of the awardee that was provided to other offerors at debriefings on the prior contract. This requirement is designed, in part, to place all offerors on a level playing field. Thus, the need for good post-debriefing memorandums is apparent.

The post-debriefing memorandum should include at a minimum:

- A list of all persons who attended the debriefing.
- A summary of the information disclosed during the debriefing. The most efficient means for doing this is to identify the charts that were used at the debriefing and attach a copy of them to the memorandum.

- The substance of all questions and answers discussed at the debriefing. Include answers provided after the debriefing.

Appendix G

Record of Revisions of This Guide

Rev No.	Date	Page	Description
1	3/8/01	20	Revised Source Selection Plan format.
		26 – 54	(1) Added Paragraph P-1.1 to each model. (2) Added Paragraph P-2.6 to each model. (3) Revised table in Paragraph E-5 in each model to make it clear that “Unknown Risk” rating for past performance has neither a positive nor a negative effect on overall rating.
2	3/21/01	26, 33, 40, 49	Revised paragraph P-1 to make it clear that, unless specifically incorporated in the contract, the proposal does not take precedence over terms and conditions contained in the solicitation
		26, 33, 40, 49	Revised paragraph P-1.1 to limit authority to approve substitutions to Contracting Officer and ACO.
		27, 34, 41, 50	Moved existing paragraph P-2.6 to P-2.7.
		27, 34, 41, 50	Added new paragraph P-2.6 to tell offerors how to package proposals.
3	7/19/01	31-32, 37-38, 46, 53	Deleted all references to “awardable range” from paragraphs E-5.2 and E-5.3. Also, moved and renumbered subparagraphs under paragraph E-5.2. Moved Past Performance Evaluation paragraph to make it follow Technical Merit Evaluation paragraph in all four models and renumbered paragraphs (E-5.3 and E-5.4).
4	8/10/01	26, 33, 39, 48	Changed paragraph P-1.1 to make it clear that offeror cannot subcontract identified items of work if intent to subcontract is not made known in offeror’s proposal.
5	11/5/01		Wholesale changes throughout. Changed rating system and adjectives; added solicitation model for trade-off between past performance and price (no technical).
6	12/3/01	20	Changed non-disclosure form to put time limit on future employment preclusion.

7	1/2/02	Multiple	Changed solicitation models to conform to new sections used in CESAJ PD2 formats.
8	2/28/02	Multiple	Deleted table from Source Selection Decision paragraphs in the 5 models (depending on the model, either paragraph B-5.5 or B-5.7). Changed the paragraphs to make it clear that the contracting officer will not receive recommendations or rankings from the evaluation team.